

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 13 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "OFFENSES", SPECIFICALLY ARTICLE IV, ENTITLED "DANGEROUS INTERSECTION SAFETY", TO REFLECT RECENT LEGISLATIVE CHANGES TO THE MARK WANDALL TRAFFIC SAFETY PROGRAM ACT AS PROVIDED BY CHAPTER 2013-160, LAWS OF FLORIDA, AND AUTHORIZING LOCAL HEARINGS FOR NOTICES OF VIOLATIONS CONNECTED WITH THE USE OF RED LIGHT CAMERAS AS TRAFFIC INFRACTION DETECTORS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, RESERVATION OF RIGHTS, AND AN EFFECTIVE DATE.

WHEREAS, on May 13, 2010, the Governor of the State of Florida signed CS/CS/HB 325 into law resulting in the Law of Florida 2010-80, Laws of Florida (2010), (the "Mark Wandall Traffic Safety Program Act" or the "Act") taking effect on July 1, 2010; and

WHEREAS, as a result of the 2010 law, the Mayor and City Council of the City of North Miami enacted Chapter 13, Article IV of the City of North Miami Code of Ordinances ("City Code") entitled "Dangerous Intersection Safety" to conform with the state law; and

WHEREAS, during the 2013 Legislative Session, the Florida Legislature amended the Mark Wandall Traffic Safety Program Act and passed CS/CS/HB 7125 authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code (See relevant portion attached as Exhibit "A"); and

WHEREAS, CS/CS/HB 7125 is scheduled to take effect on July 1, 2013, following its approval by the Governor on June 12, 2013 as Chapter 2013-160, Laws of Florida; and

WHEREAS, the Mayor and City Council wish to utilize its existing code enforcement system to implement the local hearing process; and

WHEREAS, the Mayor and City Council desire to amend Article IV of Chapter 13 of the City Code, so as to conform with CS/CS/HB 7125, Chapter 2013-160, Laws of Florida.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Amendment to City Code. Chapter 13 "Offenses", Article IV "Dangerous Intersection Safety" of the Code of Ordinance of the City of North Miami is hereby amended to read as follows:

CHAPTER 13. OFFENSES

* * * * *

ARTICLE IV. DANGEROUS INTERSECTION SAFETY

Sec. 13- 31. Intent.

The purpose of this article is to authorize the use of traffic infraction detectors within the city's jurisdictional limits to promote compliance with red light signal directives and to adopt a civil enforcement system for red light signal violations, all in accord with general law, including Chapter ~~2010-80~~, 2013-160 Laws of Florida (~~2010~~ 2013) (the "Mark Wandall Traffic Safety Program Act" or the "Act"); as of the effective date of this ordinance or July 1, 2013, whichever occurs later. This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for red light signal violations in accordance with other routine statutory traffic enforcement techniques.

Sec. 13-32. Use of Image Capture Technologies.

The City shall utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the City to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to F.S. §§ 316.008 and 316.0083 (~~2010~~ 2013); and to use traffic infraction detectors within its jurisdiction to enforce F.S. § 316.074(1) or § 316.075 (1)(C), when a driver fails to stop at a traffic signal on streets and highways in the city's jurisdiction. The city may utilize traffic infraction detectors as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations.

Sec. 13-33. Definitions.

In addition to the definitions provided in the Mark Wandall Traffic Safety Program Act, The the following definitions shall apply to this article:

Intersection shall mean the area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two (2) roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

Local Hearing Officer shall mean a Hearing Officer or Special Magistrate appointed by the City pursuant to Chapter 2, Article III, Division 5 of the City Code of Ordinances.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guide way, but not including any bicycle or electric personal assisted mobility device.

Owner/vehicle owner shall mean the person or entity identified by the Florida Department of Motor Vehicles or other state vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six (6) months or more.

Recorded images shall mean images recorded by a traffic infraction detector:

(1) On:

- a. Two (2) or more photographs;
- b. Two (2) or more electronic images;
- c. Two (2) or more digital images;
- d. Digital or video movies; or
- e. Any other medium that can display a violation; and

(2) Showing the rear of a motor vehicle and on at least one (1) image, clearly identifying the license plate number of the vehicle.

Red zone infraction shall mean a traffic offense whereby a traffic infraction detector established that a vehicle entered an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such vehicle's direction of travel was emitting a steady red signal.

Traffic infraction enforcement officer shall mean the City of North Miami Police Department employee designated, pursuant to this article and who meets the qualifications set forth in F.S. § 316.640(5)(a), to review recorded images and issue red zone infractions based upon those images.

Traffic infraction detector shall mean a vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two (2) or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

Sec. 13-34. Adherence to red light traffic control signals.

~~(a) Pursuant to general law, motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; however, the driver of a vehicle which is approaching a clearly marked stop line, but if none is approaching, the crosswalk on the near side of the intersection or, if none, then is approaching the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right of way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.~~

~~(b) Pursuant to general law motor vehicle traffic facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative or emitting a flashing red light the driver of the vehicle approaching the malfunctioning, inoperative or flashing red traffic control signal shall stop in the above prescribed manner.~~

Sec. 13-35. Violations.

~~A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of Section 13-34. Violation shall be enforced pursuant to F.S. § 316.0083.~~

Sec. 13-36 34. Implementation of General Law.

~~Within the City, the City Manager is authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida (2010), as may be amended from time to time, and may take any action which is necessary for such purpose.~~

(a) In accordance with the provisions of the Mark Wandall Traffic Safety Program Act as of the effective date of this ordinance or July 1, 2013, whichever occurs later, the city authorizes the implementation of the provisions and requirements of Chapter 2013-160, Laws of Florida. Effective July 1, 2013, the city shall utilize its Code Enforcement Special Magistrate or Hearing Officer as its Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Program Act.

(b) The city manager is authorized to implement the provisions, including the designation of city staff as well as other requirements of Chapter 2013-160, Laws of Florida, and may take any action which is necessary for such purpose.

Sec. 13-37. Review of Recorded Images.

~~(a) The owner of the vehicle which is observed by recorded images committing a red zone an infraction shall be issued a notice of violation (herein also known as a "notice") no later than thirty (30) days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.~~

~~(b) The city's chief of police shall designate one (1) or more traffic infraction enforcement officers, who shall be police officers of the city or who shall meet all the qualifications set forth in F.S. § 316.640(5)(A), or any other relevant statute. The traffic infraction enforcement officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the traffic infraction enforcement officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.~~

~~(c) If a vehicle owner receiving a notice fails to pay the penalty imposed by F.S. § 316.0083 or to provide an affidavit that complies with the provisions of F.S. § 316.0083 within thirty (30) days of the date of the notice is issued, then a uniform traffic citation shall be issued to the vehicle owner as provided by general law. The uniform traffic citation shall be issued no later than sixty (60) days after the red zone infraction occurs.~~

Sec. 13-38. Notice of Violation.

The notice shall be served via first class mail be and shall include:

- ~~(1) The name and address of the vehicle owner;~~
- ~~(2) The license plate number and registration of the vehicle;~~
- ~~(3) The make, model, and year of the vehicle;~~
- ~~(4) Notice that the infraction charged is pursuant to this article;~~
- ~~(5) The location of the intersection where the infraction occurred;~~
- ~~(6) The date and time of the infraction;~~
- ~~(7) A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or Internet location where the evidence may be observed;~~
- ~~(8) Images depicting the infractions;~~
- ~~(9) Instructions on all methods of payment of the penalty;~~
- ~~(10) A statement specifying the remedies available under F.S. § 318.14;~~

~~(11) A statement that the owner must pay a penalty of \$158 to the City or provide an affidavit that complies with F.S. 316.0083 within thirty (30) days of the date the notice is issued in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation;~~

~~(12) A signed statement by the traffic infraction enforcement officer that, based on inspection of recorded images, the vehicle was involved in and was utilized to commit a red zone infraction;~~

Sec. 13-39. Signage.

~~When the City installs a traffic infraction detector at an intersection, it shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of the intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department Transportation pursuant to F.S. § 316.0745.~~

* * * * *

Section 3. Repeal. Sections 13-35 through and including 13-39 of Article IV of Chapter 13 of the City Code of Ordinances are repealed.

Section 4. Conflict. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are repealed.

Section 5. Severability. If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

Section 6. Codification. The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 7. Savings, Ratification and Reservation of Rights.

A. That, in accordance with paragraph (C) below of this Section, all fines, penalties, fees and costs imposed pursuant to the provisions of Article IV of Chapter 13 of the City Code, which provisions existed immediately prior to July 1, 2013, are hereby authorized, approved, ratified and confirmed, and shall continue to be due and owing until paid to the City.

B. That notwithstanding any other provision of this Ordinance above, the provisions of Article IV of Chapter 13 of the City Code, which existed immediately prior to July 1, 2013, shall remain in full force and effect.

C. That City hereby preserves and reserves each and every right, power, authority, benefit and exemption bestowed upon City and City's Dangerous Intersection Safety Program (the "Program") pursuant to CS/CS/HB 325 as enacted by Chapter 2010-80, Laws of Florida (2010) and CS/CS/HB 7125 as enacted by Chapter 2013-160, Laws of Florida (2013) including but not limited to any right, power, authority, benefit and/or exemption vested in City or City's program as having been established prior to July 1, 2013 or before other deadlines established by the Act.

Section 8. **Effective Date.** This Ordinance shall become effective from and after July 1, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau
Vice Mayor Marie Erlande Steril
Councilperson Scott Galvin
Councilperson Carol F. Keys, Esq.
Councilperson Philippe Bien-Aime

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.

FLORIDA HOUSE OF REPRESENTATIVES



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505 hearings related to a notice of violation issued pursuant to
506 316.0083. The charter county, noncharter county, or municipality
507 may use its currently appointed code enforcement board or
508 special magistrate to serve as the local hearing officer. The
509 department may enter into an interlocal agreement to use the
510 local hearing officer of a county or municipality.

511 Section 5. Subsection (1) of section 316.0083, Florida
512 Statutes, is amended, and subsection (5) is added to that
513 section, to read:

514 316.0083 Mark Wandall Traffic Safety Program;
515 administration; report.—

516 (1)(a) For purposes of administering this section, the
517 department, a county, or a municipality may authorize a traffic
518 infraction enforcement officer under s. 316.640 to issue a
519 traffic citation for a violation of s. 316.074(1) or s.
520 316.075(1)(c)1. A notice of violation and a traffic citation may
521 not be issued for failure to stop at a red light if the driver
522 is making a right-hand turn in a careful and prudent manner at
523 an intersection where right-hand turns are permissible. A notice
524 of violation and a traffic citation may not be issued under this
525 section if the driver of the vehicle came to a complete stop
526 after crossing the stop line and before turning right if
527 permissible at a red light, but failed to stop before crossing
528 over the stop line or other point at which a stop is required.

529 This paragraph does not prohibit a review of information from a
530 traffic infraction detector by an authorized employee or agent
531 of the department, a county, or a municipality before issuance
532 of the traffic citation by the traffic infraction enforcement



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officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 ~~30~~ days following the date of the notification in order to avoid ~~court fees, costs, and~~ the issuance of a traffic citation. The notification must ~~shall~~ be sent by first-class mail. The mailing of the notice of violation constitutes notification.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be



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accompanied by, or direct the person to a website that provides,
information on the person's right to request a hearing and on
all court costs related thereto and a form to request a hearing.
As used in this sub-subparagraph, the term "person" includes a
natural person, registered owner or coowner of a motor vehicle,
or person identified on an affidavit as having care, custody, or
control of the motor vehicle at the time of the violation.

d. If the registered owner or coowner of the motor
vehicle, or the person designated as having care, custody, or
control of the motor vehicle at the time of the violation, or an
authorized representative of the owner, coowner, or designated
person, initiates a proceeding to challenge the violation
pursuant to this paragraph, such person waives any challenge or
dispute as to the delivery of the notice of violation.

2. Penalties assessed and collected by the department,
county, or municipality authorized to collect the funds provided
for in this paragraph, less the amount retained by the county or
municipality pursuant to subparagraph 3., shall be paid to the
Department of Revenue weekly. Payment by the department, county,
or municipality to the state shall be made by means of
electronic funds transfers. In addition to the payment, summary
detail of the penalties remitted shall be reported to the
Department of Revenue.

3. Penalties to be assessed and collected by the
department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s.
316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
stop at a traffic signal if enforcement is by the department's

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589 traffic infraction enforcement officer. One hundred dollars
590 shall be remitted to the Department of Revenue for deposit into
591 the General Revenue Fund, \$10 shall be remitted to the
592 Department of Revenue for deposit into the Department of Health
593 Emergency Medical Services Trust Fund, \$3 shall be remitted to
594 the Department of Revenue for deposit into the Brain and Spinal
595 Cord Injury Trust Fund, and \$45 shall be distributed to the
596 municipality in which the violation occurred, or, if the
597 violation occurred in an unincorporated area, to the county in
598 which the violation occurred. Funds deposited into the
599 Department of Health Emergency Medical Services Trust Fund under
600 this sub-subparagraph shall be distributed as provided in s.
601 395.4036(1). Proceeds of the infractions in the Brain and Spinal
602 Cord Injury Trust Fund shall be distributed quarterly to the
603 Miami Project to Cure Paralysis and ~~shall be~~ used for brain and
604 spinal cord research.

605 b.. One hundred fifty-eight dollars for a violation of s.
606 316.074(1) or s. 316.075(1)(c)1. when a driver ~~has~~ failed to
607 stop at a traffic signal if enforcement is by a county or
608 municipal traffic infraction enforcement officer. Seventy
609 dollars shall be remitted by the county or municipality to the
610 Department of Revenue for deposit into the General Revenue Fund,
611 \$10 shall be remitted to the Department of Revenue for deposit
612 into the Department of Health Emergency Medical Services Trust
613 Fund, \$3 shall be remitted to the Department of Revenue for
614 deposit into the Brain and Spinal Cord Injury Trust Fund, and
615 \$75 shall be retained by the county or municipality enforcing
616 the ordinance enacted pursuant to this section. Funds deposited

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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617 into the Department of Health Emergency Medical Services Trust
618 Fund under this sub-subparagraph shall be distributed as
619 provided in s. 395.4036(1). Proceeds of the infractions in the
620 Brain and Spinal Cord Injury Trust Fund shall be distributed
621 quarterly to the Miami Project to Cure Paralysis and ~~shall be~~
622 used for brain and spinal cord research.

623 4. An individual may not receive a commission from any
624 revenue collected from violations detected through the use of a
625 traffic infraction detector. A manufacturer or vendor may not
626 receive a fee or remuneration based upon the number of
627 violations detected through the use of a traffic infraction
628 detector.

629 (c)1.a. A traffic citation issued under this section shall
630 be issued by mailing the traffic citation by certified mail to
631 the address of the registered owner of the motor vehicle
632 involved in the violation ~~if when~~ payment has not been made
633 within 60 ~~30~~ days after notification under paragraph (b), if the
634 registered owner has not requested a hearing as authorized under
635 paragraph (b), or if the registered owner has not submitted an
636 affidavit under this section ~~subparagraph (b)1.~~

637 b. Delivery of the traffic citation constitutes
638 notification under this paragraph. If the registered owner or
639 coowner of the motor vehicle, or the person designated as having
640 care, custody, or control of the motor vehicle at the time of
641 the violation, or a duly authorized representative of the owner,
642 coowner, or designated person, initiates a proceeding to
643 challenge the citation pursuant to this section, such person
644 waives any challenge or dispute as to the delivery of the



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645 traffic citation.

646 c. In the case of joint ownership of a motor vehicle, the
647 traffic citation shall be mailed to the first name appearing on
648 the registration, unless the first name appearing on the
649 registration is a business organization, in which case the
650 second name appearing on the registration may be used.

651 ~~d. The traffic citation shall be mailed to the registered~~
652 ~~owner of the motor vehicle involved in the violation no later~~
653 ~~than 60 days after the date of the violation.~~

654 2. Included with the notification to the registered owner
655 of the motor vehicle involved in the infraction shall be a
656 notice that the owner has the right to review, ~~either~~ in person
657 or remotely, the photographic or electronic images or the
658 streaming video evidence that constitutes a rebuttable
659 presumption against the owner of the vehicle. The notice must
660 state the time and place or Internet location where the evidence
661 may be examined and observed.

662 (d)1. The owner of the motor vehicle involved in the
663 violation is responsible and liable for paying the uniform
664 traffic citation issued for a violation of s. 316.074(1) or s.
665 316.075(1)(c)1. when the driver failed to stop at a traffic
666 signal, unless the owner can establish that:

667 a. The motor vehicle passed through the intersection in
668 order to yield right-of-way to an emergency vehicle or as part
669 of a funeral procession;

670 b. The motor vehicle passed through the intersection at
671 the direction of a law enforcement officer;

672 c. The motor vehicle was, at the time of the violation, in



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673 the care, custody, or control of another person;

674 d. A uniform traffic citation was issued by a law
675 enforcement officer to the driver of the motor vehicle for the
676 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or

677 e. The motor vehicle's owner was deceased on or before the
678 date that the uniform traffic citation was issued, as
679 established by an affidavit submitted by the representative of
680 the motor vehicle owner's estate or other designated person or
681 family member.

682 2. In order to establish such facts, the owner of the
683 motor vehicle shall, within 30 days after the date of issuance
684 of the traffic citation, furnish to the appropriate governmental
685 entity an affidavit setting forth detailed information
686 supporting an exemption as provided in this paragraph.

687 a. An affidavit supporting an exemption under sub-
688 subparagraph 1.c. must include the name, address, date of birth,
689 and, if known, the driver license number of the person who
690 leased, rented, or otherwise had care, custody, or control of
691 the motor vehicle at the time of the alleged violation. If the
692 vehicle was stolen at the time of the alleged offense, the
693 affidavit must include the police report indicating that the
694 vehicle was stolen.

695 b. If a traffic citation for a violation of s. 316.074(1)
696 or s. 316.075(1)(c)1. was issued at the location of the
697 violation by a law enforcement officer, the affidavit must
698 include the serial number of the uniform traffic citation.

699 c. If the motor vehicle's owner to whom a traffic citation
700 has been issued is deceased, the affidavit must include a



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certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

(I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death, but on or before the date of the alleged violation.

(II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department, but on or before the date of the alleged violation.

(III) A copy of a police report showing that the deceased owner's registered license plate or motor vehicle was stolen after the owner's death, but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, or ~~and~~ control of the motor vehicle at the time of the violation may be issued a notice of violation pursuant to paragraph (b) ~~traffic citation~~ for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care,



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custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. Paragraphs (b) and (c) apply to the person identified on the affidavit, except that the notification under subparagraph (b)1.a. must be sent to the person identified on the affidavit within 30 days after receipt of an affidavit.

5.4. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The photographic or electronic images or streaming video attached to or referenced in the traffic citation is evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(5) Procedures for a hearing under this section are as follows:

(a) The department shall publish and make available



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757 electronically to each county and municipality a model Request
758 for Hearing form to assist each local government administering
759 this section.

760 (b) The charter county, noncharter county, or municipality
761 electing to authorize traffic infraction enforcement officers to
762 issue traffic citations under s. 316.0083(1)(a) shall designate
763 by resolution existing staff to serve as the clerk to the local
764 hearing officer.

765 (c) Any person, herein referred to as the "petitioner,"
766 who elects to request a hearing under paragraph (1)(b) shall be
767 scheduled for a hearing by the clerk to the local hearing
768 officer to appear before a local hearing officer with notice to
769 be sent by first-class mail. Upon receipt of the notice, the
770 petitioner may reschedule the hearing once by submitting a
771 written request to reschedule to the clerk to the local hearing
772 officer, at least 5 calendar days before the day of the
773 originally scheduled hearing. The petitioner may cancel his or
774 her appearance before the local hearing officer by paying the
775 penalty assessed under paragraph (1)(b), plus \$50 in
776 administrative costs, before the start of the hearing.

777 (d) All testimony at the hearing shall be under oath and
778 shall be recorded. The local hearing officer shall take
779 testimony from a traffic infraction enforcement officer and the
780 petitioner, and may take testimony from others. The local
781 hearing officer shall review the photographic or electronic
782 images or the streaming video made available under sub-
783 paragraph(1)(b)1.b. Formal rules of evidence do not apply,
784 but due process shall be observed and govern the proceedings.



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(e) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under paragraph (1)(b), and may also require the petitioner to pay county or municipal costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail.

(f) An aggrieved party may appeal a final administrative order consistent with the process provided under s. 162.11.

Section 6. Paragraph (c) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)

(c) If a traffic citation is issued under s. 316.0083, the traffic infraction enforcement officer shall provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the date of issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer shall provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

Section 7. Section 318.121, Florida Statutes, is amended to read: